

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ELAINE-BARBARA NEISWENDER,

No. CV 09-2596 CRB

Plaintiff,

**ORDER DISMISSING FOR FAILURE
TO PROSECUTE**

v.

WACHOVIA MORTGAGE, et. al,

Defendant.

A case management conference in this case was scheduled and held on October 9, 2009. Plaintiff failed to appear, and made no communications with the Court in advance of the scheduled hearing. Plaintiff also failed to respond to Defendants' pending motion to dismiss, and according to Defendants has not participated in the ADR process. Given Plaintiff's failure to appear or, at minimum, communicate with this Court, her complaint is DISMISSED under Rule 41(b) with leave to amend. Defendants' motion to dismiss for failure to state a claim is VACATED.

IT IS SO ORDERED.



Dated: October 20, 2009

CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

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